SENATE BILL No. 1002

Introduced by Senator Monning
(Principal coauthor: Senator Wolk)
(Coauthor: Assembly Member Eggman)

February 10, 2016

An act to amend Section 443.19 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1002, as amended, Monning. End of Life Option Act: telephone number.

The End of Life Option Act, as enacted in the ~~2015-16 Second~~ *2015–16 2nd* Extraordinary Session of the Legislature, authorizes, until January 1, 2026, an adult who meets certain qualifications, and who has been determined by his or her attending physician to be suffering from a terminal disease, as defined, to make a request for a drug prescribed pursuant to the act for the purpose of ending his or her life through self-administration of the drug. The act establishes certain procedures for making a request, prohibits certain agreements or policies from being conditioned upon or affected by a request, and provides immunity from civil or criminal liability, with exceptions, to persons present when the qualified individual self-administers the drug or to persons preparing the drug. The act provides that action taken in accordance with the act shall not constitute, among other things, suicide or homicide.

The act requires physicians to submit specified forms and information to the State Department of Public Health after writing a prescription for an aid-in-dying drug and after the death of an individual who

requested an aid-in-dying drug. The act authorizes the Medical Board of California to update those forms. The act requires the State Department of Public Health to publish the forms on its Internet Web site, collect and review certain information, annually create a statistical report of the information collected, as specified, and post that report on its Internet Web site.

This bill would require the ~~department to establish and maintain a toll-free telephone number for the purpose of receiving and responding to inquiries regarding the End of Life Option Act, and post the telephone number on the department's Internet Web site. This bill would require the telephone number to operate during the regular business hours of the department and be available to the public.~~ *department, on or before January 1, 2017, to post a toll-free telephone number on its Internet Web site for the purpose of receiving and responding to inquiries in multiple languages regarding the End of Life Option Act, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1.   Section 443.19 of the Health and Safety Code,
2   as added by Section 1 of Chapter 1 of the ~~Statutes of 2015,~~ Second
3   Extraordinary ~~Session,~~ *Session of the Statutes of 2015,* is amended
4   to read:
5   443.19.   (a) The State Department of Public Health shall collect
6   and review the information submitted pursuant to Section 443.9.
7   The information collected shall be confidential and shall be
8   collected in a manner that protects the privacy of the patient, the
9   patient's family, and any medical provider or pharmacist involved
10   with the patient under the provisions of this part. The information
11   shall not be disclosed, discoverable, or compelled to be produced
12   in any civil, criminal, administrative, or other proceeding.
13   (b) On or before July 1, 2017, and each year thereafter, based
14   on the information collected in the previous year, the department
15   shall create a report with the information collected from the
16   attending physician followup form and post that report to its
17   Internet Web site. The report shall include, but not be limited to,
18   all of the following based on the information that is provided to
19   the department and on the department's access to vital statistics:

1   (1) The number of people for whom an aid-in-dying prescription
2 was written.
3   (2) The number of known individuals who died each year for
4 whom aid-in-dying prescriptions were written, and the cause of
5 death of those individuals.
6   (3) For the period commencing January 1, 2016, to and including
7 the previous year, cumulatively, the total number of aid-in-dying
8 prescriptions written, the number of people who died due to use
9 of aid-in-dying drugs, and the number of those people who died
10 who were enrolled in hospice or other palliative care programs at
11 the time of death.
12   (4) The number of known deaths in California from using
13 aid-in-dying drugs per 10,000 deaths in California.
14   (5) The number of physicians who wrote prescriptions for
15 aid-in-dying drugs.
16   (6) Of people who died due to using an aid-in-dying drug,
17 demographic   percentages   organized   by   the   following
18 characteristics:
19   (A) Age at death.
20   (B) Education level.
21   (C) Race.
22   (D) Sex.
23   (E) Type of insurance, including whether or not they had
24 insurance.
25   (F) Underlying illness.
26   (c) The State Department of Public Health shall make available
27 the attending physician checklist and compliance form, the
28 consulting physician compliance form, and the attending physician
29 followup form, as described in Section 443.22, by posting them
30 on its Internet Web site.
31   (d) The State Department of Public Health shall establish and
32 maintain a toll-free telephone number for the purpose of receiving
33 and responding to inquiries regarding the End of Life Option Act.
34 The department shall post the telephone number on its Internet
35 Web site. The telephone number shall operate during the regular
36 business hours of the department and be available to the public.
37   *(d) On or before January 1, 2017, the State Department of*
38 *Public Health shall post a toll-free telephone number on its Internet*
39 *Web site for the purpose of receiving and responding to inquiries*
40 *in multiple languages regarding the End of Life Option Act. The*

1 *toll-free telephone number may be an existing telephone number*
2 *staffed by the department or an existing telephone number of*
3 *another department with an existing consumer assistance telephone*
4 *line. The telephone line shall have a protocol for responding to*
5 *callers in crisis.*

O